



Environmental Planning Commission

***Agenda Number: 4
Project Number: 1004870
Case Numbers: 09EPC-40051/40052
November 19, 2009***

Staff Report

<i>Agent</i>	DAC, Enterprises, Inc.
<i>Applicant</i>	Tafazzul Hussain
<i>Request(s)</i>	Zone Map Amendment Site Development Plan for Building Permit
<i>Legal Description</i>	Tract B, Hugh B. Woodward Addn
<i>Location</i>	Gibson Blvd SE between Mulberry St SE and University Blvd SE
<i>Size</i>	Approximately 1.65 acres
<i>Existing Zoning</i>	C-1
<i>Proposed Zoning</i>	SU-1 for C/1 Uses & Hotel/Motel

Staff Recommendation

DEFERRAL of 30 days of 09EPC 40052, based on the Findings beginning on Page 13.

DEFERRAL of 30 days of 09EPC 40051, based on the Findings beginning on Page 17.

Staff Planner

Randall Falkner, Planner

Summary of Analysis

This proposal is a two-part request for a zone map amendment and site development plan for building permit for Tract B, Hugh B. Woodward Addn. The applicant proposes to change the zoning from C-1 to SU-1 for C-1 Uses & Hotel/Motel. The request is for a vacant property of approximately 1.6 acres on Gibson Boulevard SE between Mulberry Street SE and University Boulevard SE. The applicant intends to build a 38,464 s.f. two-story 67 unit motel.

The Kirtland Community Association has sent a letter stating that they are opposed to the request. The applicant has not adequately justified the request for a zone map amendment and the site development plan for building permit, based on applicable policies found in the Comprehensive Plan. Staff is recommending a 30 day deferral.

Location Map (3" x 3")

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding zoning, plan designations, and land uses:

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II & III Plans</i>	<i>Land Use</i>
<i>Site</i>	C-1	Established Urban	Vacant
<i>North</i>	SU-1 for C-2, C-2	Established Urban	Vacant, Office
<i>South</i>	R-1	Established Urban	Single Family
<i>East</i>	R-1	Established Urban	Single Family
<i>West</i>	C-1	Established Urban	Commercial

Background

This proposal is a two-part request for a zone map amendment and site development plan for building permit for Tract B, Hugh B. Woodward Addn. The applicant proposes to change the zoning from C-1 to SU-1 for C-1 Uses & Hotel/Motel. The request is for a vacant property of approximately 1.6 acres on Gibson Boulevard SE between Mulberry Street SE and University Boulevard SE. The applicant intends to build a 38,464 s.f. two-story 67 unit motel.

History

Tract B of the Hugh B. Woodward Addition is a long, vacant, triangular lot that narrows continuously from west to east. The two lots to the west of this parcel have both been developed, largely as a result of the lots being standard shaped lots. As a result of the odd shape of the subject site, Tract B has remained vacant despite significant development along Gibson Boulevard. In 1999 a conditional use (ZA-99-143) was approved on the site for a drive-up service window for an Arby's restaurant. While the conditional use was approved, the site was never developed.

Context

To the north of the site are both vacant and office land uses, to the south and east, single family housing, and to the west, commercial land use.

Long Range Roadway System

The Long Range Roadway System (LRRS) map, produced by the Mid-Region Council of Governments (MRCOG), identifies the functional classifications of roadways.

The Long Range Roadway System designates University Boulevard SE as a Minor Arterial, with a right-of-way of 86'.

The Long Range Roadway System designates Gibson Boulevard SE as a Limited-Access Principal Arterial, with a right-of-way of 110'.

Mulberry Street SE is a local street.

There is an existing bicycle lane along Gibson Boulevard SE.

Bus route 96 (Crosstown Commuter) runs along Gibson Boulevard SE. The nearest bus stop is directly across the street on the north side of Gibson Boulevard. Other bus routes that are close to the subject site (bus stops at Gibson and University) are route 317 (Downtown KAFB Limited) and route 16/18 (Broadway/University/Gibson).

Gibson Boulevard is a designated Enhanced Transit Corridor.

Public Facilities/Community Services

Public facilities/community services include the following: Kirtland Park, Loma Linda Park, Dennis Chavez Park, San Jose Park, Sunport Pool, Loma Linda Community Center, Thomas Bell Community Center, Dennis Chavez Recreation Center, San Jose Cemetery, University of New Mexico, Lowell Elementary School, East San Jose Elementary School, and Schwartzman Landfill.

ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES

Albuquerque Comprehensive Zoning Code

The existing zoning is C-1. This zone provides suitable sites for office, service, institutional, and limited commercial uses to satisfy the day-to-day needs of residential areas. The proposed zoning is SU-1 for C-1 Uses and Hotel/Motel. The SU-1 designation refers to the Special Use zone. The SU-1 zone (see Zoning Code Sec. 14-16-2-22) provides suitable uses for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. Development on an SU-1 zone may “only occur in conformance with an approved site development plan” that is subject to Environmental Planning Commission (EPC) review. The applicant has provided an accompanying site development plan for building permit that proposes commercial use.

Albuquerque / Bernalillo County Comprehensive Plan

Policy Citations are in Regular Text; ***Staff Analysis is in Bold Italics***

The subject site is located in the area designated Established Urban by the Comprehensive Plan with a Goal to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment. Applicable policies include:

Policy II.B.5a: The Established and Developing Urban areas as shown by the plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

The request will allow a full range of urban land uses. The request does not increase residential density and would provide infill development in the form of a motel. The request

would add commercial land use to land uses that surround it, such as single family, commercial, and office. The request furthers Policy II.B.5a.

Policy II.B.5d: The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

The second story guestroom windows facing the backyards of the residential neighborhood to the south are a major concern. The guestroom windows have been angled to help provide privacy to the backyards of residential homes to the south. However, even with the windows being angled, it is still possible to look out from the motel guestrooms onto the residential homes and their yards. Being able to see the neighbors' backyards and homes is an invasion of privacy. The neighborhood values of the homes to the south would be impacted by the guestroom windows all day every day. Motel patrons would be able to view the neighbors' backyard and homes whenever they wanted, and the impacted neighbors would be able to do nothing about it. The motel patrons would be able to draw the blinds if they did not want someone peering in on them, but the neighbors would not have that luxury, and would be wide open to multiple sets of eyes looking at them and their homes. A design that would totally eliminate the opportunity of motel patrons to look out on the neighbors and their homes is needed. Preferably, the design would still allow light in, but allowing any views of the homes to the south does not preserve neighborhood values. Traffic created by the motel would be limited to Gibson Boulevard and to the proposed subject site. Special buffer landscaping/screening requirements have been met to help minimize noise and sight impacts of the proposed motel. The request does not further Policy II.B.5d.

Policy II.B.5e: New growth shall be accommodated through development in areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be ensured.

The property is immediately adjacent to existing urban facilities and services. The subject site is currently a vacant lot. However, ensuring integrity of the existing neighborhood would be nearly impossible with the guestroom windows that look out on to the homes to the south. The applicant has attempted to mitigate the problem by angling the windows; however, a clear view of the homes to the south is still possible with this design. The applicant has designed the rest of the building to mitigate impacts such as lighting, noise, and traffic from the neighborhood to the south. The guestroom windows however remain a major concern and do not ensure the integrity of the neighborhood. The request does not further Policy II.B.5e.

Policy II.B.5i: Employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Both the guestroom windows that look out on the neighborhood to the south and the proximity of the proposed motel to the residential neighborhood to the south are major concerns. The building has been designed to mitigate the impact of the use on the adjacent property. The motel windows on the south side of the property have been angled to provide privacy to the backyards of the adjacent residential homes. Noise and sight impacts have been minimized by a 6' high opaque wall, a 10' landscape buffer, and trees along the property line with neighborhood to the south. Some landscaping has been placed in front of the northern parking lot to prevent headlights from shining onto Gibson Boulevard; however, evergreen landscaping and/or a berm or wall needs to be placed here because deciduous trees lose their leaves in the fall. The parking lot lighting has been placed so it does not directly shine into any of the residential neighborhoods to the south, and so it is in accordance with all City lighting regulations. The dumpster has been moved away from the patio area that is directly behind the residential neighborhood, to the north side of the parking lot next to Gibson Boulevard. The applicant has completed a landfill gas assessment that found no gas on the subject site. No traffic from the subject site will intrude on the neighborhood, as all access is from Gibson Boulevard and no vehicles can directly access the neighborhood to the south from the site. While the effects of noise, lighting, pollution, and traffic have been minimized, the windows still look out on the residential properties to the south. This clear view of the homes to the south is an invasion of privacy, and ultimately carries the most weight when determining if the proposed use is complementary to the adjacent residential area. As a result, the proposed use does not complement the residential area to the south. The request does not further Policy II.B.5i.

Policy II.B.5k: Land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation planning and operation.

Traffic for this site will enter and exit along Gibson Boulevard. There is no direct access from the site to the neighborhood to the south. A 6' opaque wall will block headlights from shining into the neighbors' backyards, and landscaping and a 10' landscape buffer will help to minimize the noise and sight impacts of the motel. The request furthers Policy II.B.5k.

Policy II.B.5l: Quality and innovation in design shall be encouraged in all new development; design shall be encouraged which is appropriate to the Plan area.

The building has been designed in an "L" shape to comport with the unusual configuration of the lot, and to provide privacy for the abutting residential zone. The building has been designed to mitigate impacts on the residential neighborhood to the south. Motel guestroom windows have been angled to provide privacy to the neighbors' backyards; however, the backyards are still visible. The angled guestroom windows only change the direction of the motel patrons' view. As a result, the concern of privacy remains an unresolved issue. The request does not further Policy II.B.5l.

Policy II.B.5o: Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

The current site is a vacant lot which could attract weeds, litter, loitering and the potential for nefarious activity. Redevelopment of a lot that has been vacant for decades could help to redevelop and rehabilitate older neighborhoods in this section of the City, while providing infill development. However, redevelopment and rehabilitation of the neighborhood could be impaired if privacy concerns are not resolved. Property values could be impacted if privacy is lost. Home owners could feel uncomfortable and desire to move, and could also have difficulty selling their homes because of the privacy concerns. The request does not further Policy II.B.5o.

Policy II.B.5p: Cost-effective redevelopment techniques shall be developed and utilized.

Technique 2 of this policy states to “emphasize private investment as a primary means to achieve redevelopment investment objectives.” This project is a privately funded redevelopment investment. The request furthers Policy II.B.5p.

Economic Development-

The Goal is to achieve steady and diversified economic development balanced with other important social, cultural, and environmental goals.

Policy II.D.6a: New employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of most need.

The motel would offer a wide range of occupational skills and salary levels to this part of the City. The request furthers Policy II.D.6a.

Policy II.D.6b: Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

The motel would be owned and operated by a local architect. The request would help to develop a local business enterprise. It is unknown if the recruitment of outside firms would be emphasized. The request furthers Policy II.D.6b.

Policy II.D.6c: Opportunities for improvement in occupational skills and advancement shall be encouraged.

The request would provide opportunities for improvement in occupational skills and advancement with the proposed business. The request furthers Policy II.D.6c.

Policy II.D.6f: The City and County should remove obstacles to sound growth management and economic development throughout the community.

It is unknown if the City and County have removed obstacles to sound growth management and economic development. It is incumbent upon the applicant to make a sound justification for this policy, which has not been done. Therefore this policy does not apply.

Air Quality-

The Goal is to improve air quality to safeguard public health and enhance the quality of life.

Policy II.C.1i: Air quality considerations shall be integrated into zoning and land use decisions to prevent new air quality/land use conflicts.

A landfill gas assessment was completed by the applicant as requested by the Environmental Health Department. The assessment found no landfill gases and development of the site will proceed according to Albuquerque Environmental Health Department (AEHD) Interim Guidelines. The request furthers Policy II.C.1i.

Transportation and Transit-

The Goal is to develop corridors, both streets and adjacent land uses that provide a balanced circulation system through efficient placement of employment and services, and encouragement of bicycling, walking, and use of transit/paratransit as alternatives to automobile travel, while providing sufficient roadway capacity to meet mobility and access needs.

There is a bicycle lane that runs in front of the proposed motel. There is no current bus stop on the site. Bus route 96 (Crosstown Commuter) runs along Gibson Boulevard SE. The nearest bus stop is directly across the street on the north side of Gibson Boulevard. Other bus routes that are close to the subject site (bus stops at Gibson and University) are route 317 (Downtown KAFB Limited) and route 16/18 (Broadway/University/Gibson). While there is the possibility of a balanced circulation system that encourages bicycling, walking, and use of transit as alternatives to automobile travel, the reality is that hotels/motels are almost never accessed by either bicycles or pedestrians. The request would provide some limited opportunities for those that wanted to use transportation alternatives to the automobile. The request partially furthers the Transportation and Transit Goal.

Resolution 270-1980 (Policies for Zone Map Change Applications)

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to

show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

- A. A proposed zone change must be found to be consistent with the health, safety, morals, and general welfare of the City.

The building has been designed to mitigate impacts on the residential neighborhood to the south. However, the negative impact of the guestroom windows looking out onto the residential neighborhood has not been resolved. Loss of privacy for the neighbors to the south would be permanent. Motel patrons would be able to look down on the neighbors from their second story angled windows at any time of day. Neighbors would be unable to do anything about the loss of privacy. This request is not consistent with the health, safety, morals, and general welfare of the City.

- B. Stability of land use and zoning is desirable; therefore, the applicant must provide a sound justification for the change. The burden is on the applicant to show why the change should be made, not the City to show why the change should not be made.

The request for an SU-1 zone allows input from the neighborhood, and gives site plan control to the EPC to impose appropriate design regulations. C-1 zoning would still be allowed, along with the request for a hotel/motel. C-1, C-2, and SU-1 for C-2 zoning is located to the north and east of the site. R-1 is located south and a small portion east of the site. A little further east is C-1 zoning at the corner of Gibson Boulevard and University Boulevard. The applicant has cited policies in the Comprehensive Plan, some of which support the request, and others which do not support the request. The applicant needs to show a more sound justification for the change.

- C. A proposed change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other City master plans and amendments thereto including privately developed area plans which have been adopted by the City.

The applicant has cited multiple policies that support the proposal; however, the request is also in significant conflict with multiple adopted elements of the Comprehensive Plan. The request is in significant conflict with the following policies: II.B.5d, II.B.5e, II.B.5i, II.B.5l, and II.B.5o. The request is in conflict with preserving neighborhood values.

- D. The applicant must demonstrate that the existing zoning is inappropriate because:

- (1) there was an error when the existing zoning map pattern was created, or
- (2) changed neighborhood or community conditions justify the change, or

- (3) a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan, even though (1) or (2) above do not apply.

(3) The applicant has not demonstrated that a different use category would be more advantageous to the community based upon policies in the Comprehensive Plan. The request is in conflict with multiple policies in the Comprehensive Plan. Neighborhood values are in jeopardy with the current request.

- E. A change of zone shall not be approved where some of the permissive uses in the zone would be harmful to adjacent property, the neighborhood or the community.

The additional permissive use being added to the zone category is hotel/motel on a SU-1 site. The applicant has not demonstrated that the additional use of a hotel/motel on a SU-1 site would be beneficial to the adjacent property, neighborhood, or the community.

- F. A proposed zone change which, to be utilized through land development, requires major and un-programmed capital expenditures by the City may be:

- (1) denied due to lack of capital funds, or
- (2) granted with the implicit understanding that the City is not bound to provide the capital improvements on any special schedule.

The property is already served by City infrastructure and does not require major and un-programmed capital expenditures by the City.

- G. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a change of zone.

The cost of land or other economic considerations are not the determining factor for the requested zone change.

- H. Location on a major street is not in itself sufficient justification of apartment, office or commercial zoning.

Street location has been noted, but the request does not ask that it be considered as the main justification in itself for the zone change.

- I. A zone change request which would give a zone different from surrounding zoning to one small area, especially when only one premise is involved, is generally called a "spot zone." Such a change of zone may be approved only when:

- (1) The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan, or
- (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises make the site unsuitable for the uses allowed in any adjacent zone.

The request would create a spot zone since the proposed zoning (SU-1/C-1 Uses & Hotel/Motel) is different than any of the surrounding zoning. The applicant has not demonstrated that the proposed zone change would facilitate realization of the Comprehensive Plan.

- J. A zone change request which would give a zone different from surrounding zoning to a strip of land along a street is generally called “strip zoning.” Strip commercial zoning will be approved only where;
- (1) the change will clearly facilitate realization of the Comprehensive Plan and any adopted sector development plan or area development plan,
 - (2) the area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones or because the site is not suitable for the uses allowed in any adjacent zone due to traffic or special adverse land uses nearby.

The request does not constitute a strip zone.

ANALYSIS OF SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

Site Plan Layout / Configuration

The subject site is approximately 1.65 acres in size and is identified as Tract B, Hugh B. Woodward Addn. The Tract is a long, vacant, triangular lot that narrows continuously from west to east. The proposed development is a 38,464 s.f. two-story L-shaped motel with 67 rooms. The first floor is 19,480 s.f., while the second floor is 18,984 s.f. The second floor angled guestroom windows look out directly on the residential homes to the south.

The building is oriented to face north towards Gibson Boulevard. The proposed building will have the majority of the parking on the east side of the building. The trash enclosure is located in the northern portion of the parking lot, close to Gibson Boulevard. The trash enclosure is shielded from Gibson Boulevard by deciduous landscaping. Evergreen landscaping and/or a wall or berm or a combination thereof is needed to provide proper screening from the headlights that will shine onto Gibson Boulevard. The building is 31' 6" high at its highest point. The majority of the building ranges from 24' to 28' high. The proposed building height and setbacks comply with the City Zoning regulations.

Walls/Fences

A 6' high opaque wall is located along the entire southern portion of the property to help visually screen the parking lot and building from the adjacent neighborhood to the south. A retaining wall varying from 3' to 6' is located along the west side of the property.

Vehicular Access, Circulation and Parking

Vehicular access is provided through three separate driveways along Gibson Boulevard. Gibson Boulevard is a limited access principal arterial. The number and location of site drives will need to meet DPM requirements. The site development plan for building permit requires 61 spaces (one space for each rental unit-67, minus 6 for the 10% transit discount), while 60 are provided. The number of spaces required shown on the site development plan for building permit is shown as 60, but should be 61. The parking requirements for disabled, motorcycles, and bicycles are all met. All motorcycle parking spaces shall be identified as having motorcycle parking spaces. The disabled parking space on the north side of the building shall be identified as having a disabled parking sign.

Pedestrian and Bicycle Access and Circulation, Transit Access

There is an existing 5' wide sidewalk that runs the length of the property along Gibson Boulevard. Additional 6' wide sidewalks are proposed on all sides of the building and along the north side of the parking lot. The three driveways that connect to the 6' wide sidewalks are proposed to have 4' wide fluorescent paint.

There is an existing bicycle lane along the south side of Gibson Boulevard. Gibson Boulevard is an Enhanced Transit Corridor. Bus route 96 (Crosstown Commuter) runs along Gibson Boulevard SE. The nearest bus stop is directly across the street on the north side of Gibson Boulevard. Other bus routes that are close to the subject site (bus stops at Gibson and University) are route 317 (Downtown KAFB Limited) and route 16/18 (Broadway/University/Gibson).

Lighting and Security

There are 16' tall fully shielded light fixtures throughout the site. The light fixtures are placed in locations so they will provide illumination for the parking lot, but will not intrude on the residential neighborhood to the south. The 6' high wall, 10' landscape buffer and trees help to ensure that no light will directly shine onto the residential neighborhood. The lighting is in accordance with all City zoning regulations.

Landscaping

Special buffer landscaping/screening requirements, per Section 14-16-3-10 (E)(4) are required at this location to minimize the noise and sight impact of non-residential activities on the residential area directly to the south. These requirements include the following: a standard landscape buffer at least 10' wide, a landscape buffer consisting primarily of trees (capable of reaching a height at maturity of at least 25 feet and spacing of trees shall be equal to 75% of the mature canopy diameter of the trees), and a minimum 6' high opaque wall or fence to visually screen the parking or circulation area from the adjacent residential zone. The applicant is meeting this obligation by providing a 6' wall, a 10' landscape buffer and trees that meet the zoning code requirement. The landscape buffer on the east side of the building appears to be too small (approximately 3'). The landscape buffer should be at least 6'.

The City Forester has made the following comments: southern border has power lines restricting the tree species mature height, line presence and height should be confirmed and keep mature tree height at least 10 feet away; planting detail should read that root collar sets planting depth not top of rootball; water harvesting potential in large islands especially by the compact car sites.

Public Outdoor Space

A public outdoor space (795 s.f. patio) is located next to the southeast side of the building. This patio does have shading from a Common Hackberry tree. The patio also needs to have seating that complies with Section 14-16-3-18 (C)(3) of the Zoning Code.

Grading, Drainage, Utility Plans

The existing site slopes from east to west with an average slope of about 4 percent that matches the slope of Gibson Boulevard to the north. The applicant is proposing to notch the east end of the site into the existing grade (by utilizing an earthen slope to create the lowered notch) while elevating the west end of the site above existing retaining walls. New water and sewer lines will be added to the existing lines.

Architecture

The proposed development is a southwest style L shaped two-story building. The exterior of the building consists of dark and light brown stucco. The windows consist of aluminum window black anodized color with clear double glazing.

Signage

The building has two free-standing signs. One is located at the far northwestern portion of the property next to Gibson Boulevard and the 5' public sidewalk and the other is located close to the middle driveway just south of Gibson Boulevard and the 5' public sidewalk. There are also three building mounted signs. The building mounted signs are on the north, east, and western sides of the building. The C-1 zoning regulations allow one free-standing sign for each street frontage of each premise, provided the street frontage is at least 100 feet wide. The site development plan for building permit shows two free-standing signs. One sign would have to be eliminated. The building mounted signs are in compliance with all C-1 Zone requirements.

CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION

City Departments and other interested agencies reviewed this application from 9/8/2009 to 9/18/2009. Agency comments begin on page 22.

NEIGHBORHOOD/PUBLIC CONCERNS

A facilitated meeting was held on August 17, 2009 at the Thomas Bell Community Center. The Kirtland Community Association and the Clayton Heights/Lomas del Cielo Neighborhood Association attended the facilitated meeting. Concerns included the following: privacy for those living south of the proposed motel, access to backyards, the abundance of motels/hotels already in the community, the landscaped area on the east that could attract homeless, crime, and the failure of recent motels/hotels in the area. A second facilitated meeting was scheduled, but was

cancelled by the applicant due to questions concerning the landfill gas assessment. A letter opposing the request has been received from the Kirtland Community Association.

CONCLUSIONS

This proposal is a two-part request for a zone map amendment and site development plan for building permit for Tract B, Hugh B. Woodward Addn. The applicant proposes to change the zoning from C-1 to SU-1 for C-1 Uses & Hotel/Motel. The request is for a vacant property of approximately 1.6 acres on Gibson Boulevard SE between Mulberry Street SE and University Boulevard SE. The applicant intends to build a 38,464 s.f. two-story 67 unit motel.

The applicant has not adequately justified the request for a zone map amendment and the site development plan for building permit, based on applicable policies found in the Comprehensive Plan. Staff is recommending a 30 day deferral.

FINDINGS – 09EPC 40052, 11/19/2009, Zone Map Amendment

1. This is a request for a zone map amendment from C-1 to SU-1 for C-1 Uses & Hotel/Motel. The proposal is for all or a portion of Tract B, Hugh B. Woodward Addn.
2. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. This request for a zone map amendment (09EPC 40052) is accompanied by a site development plan for building permit (09EPC 40051).
4. The subject site is within the area designated Established Urban by the Comprehensive Plan.
5. The following Comprehensive Plan policies for Developing and Established Urban Areas are furthered by the proposal:
 - a. Policy II.B.5a – The request will allow a full range of urban land uses. The request does not increase residential density and would provide infill development in the form of a motel. The request would add commercial land use to land uses that surround it, such as single family, commercial, and office.
 - b. Policy II.B.5k – Traffic for this site will enter and exit along Gibson Boulevard. There is no direct access from the site to the neighborhood to the south. A 6’ opaque wall will block headlights from shining into the neighbors’ backyards, and landscaping and a 10’ landscape buffer will help to minimize the noise and sight impacts of the motel.
 - c. Policy II.B.5p – Technique 2 of this policy states to “emphasize private investment as a primary means to achieve redevelopment investment objectives.” This project is a privately funded redevelopment investment.
6. The following Comprehensive Plan policies for Developing and Established Urban Areas are not furthered by the proposal:
 - a. Policy II.B.5d – The second story guestroom windows facing the backyards of the residential neighborhood to the south are a major concern. The guestroom windows have been angled to help provide privacy to the backyards of residential homes to the south. However, even with the windows being angled, it is still possible to look out from the motel guestrooms onto the residential homes and their yards. Being able to see the neighbors’ backyards and homes is an invasion of privacy. The neighborhood values of the homes to the south would be impacted by the guestroom windows all day every day. Motel patrons would be able to view the neighbors’ backyard and homes whenever they wanted, and the impacted neighbors would be able to do nothing about it. The motel

- patrons would be able to draw the blinds if they did not want someone peering in on them, but the neighbors would not have that luxury, and would be wide open to multiple sets of eyes looking at them and their homes. A design that would totally eliminate the opportunity of motel patrons to look out on the neighbors and their homes is needed. Preferably, the design would still allow light in, but allowing any views of the homes to the south does not preserve neighborhood values. Traffic created by the motel would be limited to Gibson Boulevard and to the proposed subject site.
- b. Policy II.B.5e – The property is immediately adjacent to existing urban facilities and services. The subject site is currently a vacant lot. However, ensuring integrity of the existing neighborhood would be nearly impossible with the guestroom windows that look out on to the homes to the south. The applicant has attempted to mitigate the problem by angling the windows; however, a clear view of the homes to the south is still possible with this design. The applicant has designed the rest of the building to mitigate impacts such as lighting, noise, and traffic from the neighborhood to the south. The guestroom windows however remain a major concern and do not ensure the integrity of the neighborhood.
 - c. Policy II.B.5i – Both the guestroom windows that look out on the neighborhood to the south and the proximity of the proposed motel to the residential neighborhood to the south are major concerns. The building has been designed to mitigate the impact of the use on the adjacent property. The motel windows on the south side of the property have been angled to provide privacy to the backyards of the adjacent residential homes. Noise and sight impacts have been minimized by a 6' high opaque wall, a 10' landscape buffer, and trees along the property line with neighborhood to the south. Some landscaping has been placed in front of the northern parking lot to prevent headlights from shining onto Gibson Boulevard; however, evergreen landscaping and/or a berm or wall needs to be placed here because deciduous trees lose their leaves in the fall. The parking lot lighting has been placed so it does not directly shine into any of the residential neighborhoods to the south, and so it is in accordance with all City lighting regulations. The dumpster has been moved away from the patio area that is directly behind the residential neighborhood, to the north side of the parking lot next to Gibson Boulevard. The applicant has completed a landfill gas assessment that found no gas on the subject site. No traffic from the subject site will intrude on the neighborhood, as all access is from Gibson Boulevard and no vehicles can directly access the neighborhood to the south from the site. While the effects of noise, lighting, pollution, and traffic have been minimized, the windows still look out on the residential properties to the south. This clear view of the homes to the south is an invasion of privacy, and ultimately carries the most weight when determining if the proposed use is complementary to the adjacent residential area. As a result, the proposed use does not complement the residential area to the south.
 - d. Policy II.B.5l – The building has been designed in an “L” shape to comport with the unusual configuration of the lot, and to provide privacy for the abutting residential zone. The building has been designed to mitigate impacts on the residential neighborhood to the south. Motel guestroom windows have been angled to provide privacy to the

- neighbors' backyards; however, the backyards are still visible. The angled guestroom windows only change the direction of the motel patrons' view. As a result, the concern of privacy remains an unresolved issue.
- e. Policy II.B.5o – The current site is a vacant lot which could attract weeds, litter, loitering and the potential for nefarious activity. Redevelopment of a lot that has been vacant for decades could help to redevelop and rehabilitate older neighborhoods in this section of the City, while providing infill development. However, redevelopment and rehabilitation of the neighborhood could be impaired if privacy concerns are not resolved. Property values could be impacted if privacy is lost. Home owners could feel uncomfortable and desire to move, and could also have difficulty selling their homes because of the privacy concerns.
7. The request furthers the following Economic Development policies of the Comprehensive Plan:
- a. Policy II.D.6a – The motel would offer a wide range of occupational skills and salary levels to this part of the City.
 - b. Policy II.D.6b – The motel would be owned and operated by a local architect. The request would help to develop a local business enterprise.
 - c. Policy II.D.6c – The request would provide opportunities for improvement in occupational skills and advancement with the proposed business.
8. The request furthers Air Quality Policy II.C.1i of the Comprehensive Plan. A landfill gas assessment was completed by the applicant as requested by the Environmental Health Department. The assessment found no landfill gases and development of the site will proceed according to Albuquerque Environmental Health Department (AEHD) Interim Guidelines.
9. The request partially furthers the Transportation and Transit Goal of the Comprehensive Plan. There is a bicycle lane that runs in front of the proposed motel. There is no current bus stop on the site. Bus route 96 (Crosstown Commuter) runs along Gibson Boulevard SE. The nearest bus stop is directly across the street on the north side of Gibson Boulevard. Other bus routes that are close to the subject site (bus stops at Gibson and University) are route 317 (Downtown KAFB Limited) and route 16/18 (Broadway/University/Gibson). While there is the possibility of a balanced circulation system that encourages bicycling, walking, and use of transit as alternatives to automobile travel, the reality is that hotels/motels are almost never accessed by either bicycles or pedestrians. The request would provide some limited opportunities for those that wanted to use transportation alternatives to the automobile.
10. The applicant has not adequately justified the zone change request pursuant to Resolution 270-1980:

- a. The building has been designed to mitigate impacts on the residential neighborhood to the south. However, the negative impact of the guestroom windows looking out onto the residential neighborhood has not been resolved. Loss of privacy for the neighbors to the south would be permanent. Motel patrons would be able to look down on the neighbors from their second story angled windows at any time of day. Neighbors would be unable to do anything about the loss of privacy. This request is not consistent with the health, safety, morals, and general welfare of the City.
- b. The request for an SU-1 zone allows input from the neighborhood, and gives site plan control to the EPC to impose appropriate design regulations. C-1 zoning would still be allowed, along with the request for a hotel/motel. C-1, C-2, and SU-1 for C-2 zoning are located to the north and east of the site. R-1 is located south and a small portion east of the site. A little further east is C-1 zoning at the corner of Gibson Boulevard and University Boulevard. The applicant has cited policies in the Comprehensive Plan, some of which support the request, and others which do not support the request. The applicant needs to show a more sound justification for the change.
- c. The applicant has cited multiple policies that support the proposal; however, the request is also in significant conflict with multiple adopted elements of the Comprehensive Plan. The request is in significant conflict with the following policies: II.B.5d, II.B.5e, II.B.5i, II.B.5l, and II.B.5o. The request is in conflict with preserving neighborhood values.
- d. (3) The applicant has not demonstrated that a different use category would be more advantageous to the community based upon policies in the Comprehensive Plan. The request is in conflict with multiple policies in the Comprehensive Plan. Neighborhood values are in jeopardy with the current request.
- e. The additional permissive use being added to the zone category is hotel/motel on a SU-1 site. The applicant has not demonstrated that the additional use of a hotel/motel on a SU-1 site would be beneficial to the adjacent property, neighborhood, or the community.
- f. The property is already served by City infrastructure and does not require major and un-programmed capital expenditures by the City.
- g. The cost of land or other economic considerations are not the determining factor for the requested zone change.
- h. Street location has been noted, but the request does not ask that it be considered as the main justification in itself for the zone change.
- i. The request would create a spot zone since the proposed zoning (SU-1/C-1 Uses & Hotel/Motel) is different than any of the surrounding zoning. The applicant has not demonstrated that the proposed zone change would facilitate realization of the Comprehensive Plan.
- j. The request does not constitute a strip zone.

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11. A facilitated meeting was held on August 17, 2009 at the Thomas Bell Community Center. The Kirtland Community Association and the Clayton Heights/Lomas del Cielo Neighborhood Association attended the facilitated meeting. Concerns included the following: privacy for those living south of the proposed motel, access to backyards, abundance of motels/hotels already in the community, landscaped area on east that could attract homeless, crime, and failure of recent motels/hotels in the area.
 12. A letter opposing the request has been received from the Kirtland Community Association.
 13. A deferral is warranted to allow the applicant the opportunity to revise the zone change justification and the site development plan to ensure the integrity of the adjacent neighborhood.

RECOMMENDATION - 09EPC 40052, 11/19/2009, Zone Map Amendment

DEFERRAL of 09EPC 40052, a zone map amendment, for Tract B, Hugh B. Woodward Addn for 30 days, based on the preceding Findings.

FINDINGS – 09EPC 40051, 11/19/2009, Site Development Plan for Building Permit

1. This is a request for a zone map amendment from C-1 to SU-1 for C-1 Uses & Hotel/Motel. The proposal is for all or a portion of Tract B, Hugh B. Woodward Addn.
2. The Albuquerque/Bernalillo County Comprehensive Plan and the City of Albuquerque Zoning Code are incorporated herein by reference and made part of the record for all purposes.
3. This request for a site development plan for building permit (09EPC 40051) is accompanied by a zone map amendment (09EPC 40052).
4. The subject site is within the area designated Established Urban by the Comprehensive Plan.
5. The following Comprehensive Plan policies for Developing and Established Urban Areas are furthered by the proposal:

- a. Policy II.B.5a – The request will allow a full range of urban land uses. The request does not increase residential density and would provide infill development in the form of a motel. The request would add commercial land use to land uses that surround it, such as single family, commercial, and office.
 - b. Policy II.B.5k – Traffic for this site will enter and exit along Gibson Boulevard. There is no direct access from the site to the neighborhood to the south. A 6’ opaque wall will block headlights from shining into the neighbors’ backyards, and landscaping and a 10’ landscape buffer will help to minimize the noise and sight impacts of the motel.
 - c. Policy II.B.5p – Technique 2 of this policy states to “emphasize private investment as a primary means to achieve redevelopment investment objectives.” This project is a privately funded redevelopment investment.
6. The following Comprehensive Plan policies for Developing and Established Urban Areas are not furthered by the proposal:
- a. Policy II.B.5d – The second story guestroom windows facing the backyards of the residential neighborhood to the south are a major concern. The guestroom windows have been angled to help provide privacy to the backyards of residential homes to the south. However, even with the windows being angled, it is still possible to look out from the motel guestrooms onto the residential homes and their yards. Being able to see the neighbors’ backyards and homes is an invasion of privacy. The neighborhood values of the homes to the south would be impacted by the guestroom windows all day every day. Motel patrons would be able to view the neighbors’ backyard and homes whenever they wanted, and the impacted neighbors would be able to do nothing about it. The motel patrons would be able to draw the blinds if they did not want someone peering in on them, but the neighbors would not have that luxury, and would be wide open to multiple sets of eyes looking at them and their homes. A design that would totally eliminate the opportunity of motel patrons to look out on the neighbors and their homes is needed. Preferably, the design would still allow light in, but allowing any views of the homes to the south does not preserve neighborhood values. Traffic created by the motel would be limited to Gibson Boulevard and to the proposed subject site.
 - b. Policy II.B.5e – The property is immediately adjacent to existing urban facilities and services. The subject site is currently a vacant lot. However, ensuring integrity of the existing neighborhood would be nearly impossible with the guestroom windows that look out on to the homes to the south. The applicant has attempted to mitigate the problem by angling the windows; however, a clear view of the homes to the south is still possible with this design. The applicant has designed the rest of the building to mitigate impacts such as lighting, noise, and traffic from the neighborhood to the south. The guestroom windows however remain a major concern and do not ensure the integrity of the neighborhood.

- c. Policy II.B.5i – Both the guestroom windows that look out on the neighborhood to the south and the proximity of the proposed motel to the residential neighborhood to the south are major concerns. The building has been designed to mitigate the impact of the use on the adjacent property. The motel windows on the south side of the property have been angled to provide privacy to the backyards of the adjacent residential homes. Noise and sight impacts have been minimized by a 6' high opaque wall, a 10' landscape buffer, and trees along the property line with neighborhood to the south. Some landscaping has been placed in front of the northern parking lot to prevent headlights from shining onto Gibson Boulevard; however, evergreen landscaping and/or a berm or wall needs to be placed here because deciduous trees lose their leaves in the fall. The parking lot lighting has been placed so it does not directly shine into any of the residential neighborhoods to the south, and so it is in accordance with all City lighting regulations. The dumpster has been moved away from the patio area that is directly behind the residential neighborhood, to the north side of the parking lot next to Gibson Boulevard. The applicant has completed a landfill gas assessment that found no gas on the subject site. No traffic from the subject site will intrude on the neighborhood, as all access is from Gibson Boulevard and no vehicles can directly access the neighborhood to the south from the site. While the effects of noise, lighting, pollution, and traffic have been minimized, the windows still look out on the residential properties to the south. This clear view of the homes to the south is an invasion of privacy, and ultimately carries the most weight when determining if the proposed use is complementary to the adjacent residential area. As a result, the proposed use does not complement the residential area to the south.
 - d. Policy II.B.5l – The building has been designed in an “L” shape to comport with the unusual configuration of the lot, and to provide privacy for the abutting residential zone. The building has been designed to mitigate impacts on the residential neighborhood to the south. Motel guestroom windows have been angled to provide privacy to the neighbors' backyards; however, the backyards are still visible. The angled guestroom windows only change the direction of the motel patrons' view. As a result, the concern of privacy remains an unresolved issue.
 - e. Policy II.B.5o – The current site is a vacant lot which could attract weeds, litter, loitering and the potential for nefarious activity. Redevelopment of a lot that has been vacant for decades could help to redevelop and rehabilitate older neighborhoods in this section of the City, while providing infill development. However, redevelopment and rehabilitation of the neighborhood could be impaired if privacy concerns are not resolved. Property values could be impacted if privacy is lost. Home owners could feel uncomfortable and desire to move, and could also have difficulty selling their homes because of the privacy concerns.
7. The request furthers the following Economic Development policies of the Comprehensive Plan:
- a. Policy II.D.6a – The motel would offer a wide range of occupational skills and salary levels to this part of the City.

- b. Policy II.D.6b – The motel would be owned and operated by a local architect. The request would help to develop a local business enterprise.
 - c. Policy II.D.6c – The request would provide opportunities for improvement in occupational skills and advancement with the proposed business.
8. The request furthers Air Quality Policy II.C.1i of the Comprehensive Plan. A landfill gas assessment was completed by the applicant as requested by the Environmental Health Department. The assessment found no landfill gases and development of the site will proceed according to Albuquerque Environmental Health Department (AEHD) Interim Guidelines.
9. The request partially furthers the Transportation and Transit Goal of the Comprehensive Plan. There is a bicycle lane that runs in front of the proposed motel. There is no current bus stop on the site. Bus route 96 (Crosstown Commuter) runs along Gibson Boulevard SE. The nearest bus stop is directly across the street on the north side of Gibson Boulevard. Other bus routes that are close to the subject site (bus stops at Gibson and University) are route 317 (Downtown KAFB Limited) and route 16/18 (Broadway/University/Gibson). While there is the possibility of a balanced circulation system that encourages bicycling, walking, and use of transit as alternatives to automobile travel, the reality is that hotels/motels are almost never accessed by either bicycles or pedestrians. The request would provide some limited opportunities for those that wanted to use transportation alternatives to the automobile.
10. A facilitated meeting was held on August 17, 2009 at the Thomas Bell Community Center. The Kirtland Community Association and the Clayton Heights/Lomas del Cielo Neighborhood Association attended the facilitated meeting. Concerns included the following: privacy for those living south of the proposed motel, access to backyards, abundance of motels/hotels already in the community, landscaped area on east that could attract homeless, failure of recent motels/hotels in the area, and crime.
11. A letter opposing the request has been received from the Kirtland Community Association.
12. A deferral is warranted to allow the applicant the opportunity to revise the zone change justification and the site development plan to ensure the integrity of the adjacent neighborhood.

RECOMMENDATION - 09EPC 40051, 11/19/2009, Site Development Plan for Building Permit

DEFERRAL of 09EPC 40051, a site development plan for building permit, for Tract B, Hugh B. Woodward Addn for 30 days, based on the preceding Findings.

***Randall Falkner
Planner***

cc: Tafazzul Hussain, AIA, 2501 Yale Blvd. SE, Suite 102, Albuquerque, NM 87106
DAC Enterprises, Inc. P.O. Box 16658, Albuquerque, NM 87191
Isabel Cabrera, Clayton Heights/Lomas Del Cielo N.A., 1720 Buena Vista SE, Albuquerque,
NM 87106
Lee Graham, Clayton Heights/Lomas Del Cielo N.A., P.O. Box 27543, Albuquerque, NM 87125
Vincent Baty, Kirtland Community Assoc., 1924 Sunshine Terrace SE, Albuquerque, NM 87106
Barbara Williams, Kirtland Community Assoc., 1401 Alamo SE, Albuquerque, NM 87106

Attachments

CITY OF ALBUQUERQUE AGENCY COMMENTS

PLANNING DEPARTMENT

Zoning Code Services

Office of Neighborhood Coordination

Clayton Heights/Lomas Del Cielo NA (R)

Kirtland Community Assoc. (R)

No Coalition(s) to notify – siw

9/8/09 – Recommended for facilitation – swatson

9/8/09 – Assigned to Tonya Covington – swatson

Long Range Planning

Reviewed; no comment

CITY ENGINEER

Transportation Development Services

Traffic Engineering Operations

Hydrology

DEPARTMENT of MUNICIPAL DEVELOPMENT

Transportation Planning

WATER UTILITY AUTHORITY

Utility Services

ENVIRONMENTAL HEALTH DEPARTMENT

Air Quality Division

Environmental Services Division

PARKS AND RECREATION

Planning and Design

Reviewed, no objection. Request does not affect our facilities.

Open Space Division

Open Space has no adverse comments

City Forester

- In aerial photos... southern border has power lines restricting the tree species mature height. Line presence and height should be confirmed and keep mature tree height at least 10 feet away
- Planting detail should read that root collar sets planting depth not top of rootball
- Water harvesting potential in large islands especially by the compact car sites

POLICE DEPARTMENT/Planning

SOLID WASTE MANAGEMENT DEPARTMENT

Refuse Division

FIRE DEPARTMENT/Planning

TRANSIT DEPARTMENT

Adjacent and nearby routes	Route #96, Crosstown route, passes the site on Gibson in the eastbound direction.
Adjacent bus stops	Nearest bus stop is across the street, from the property, on Gibson, for the westbound Crosstown commuter route (#96 route).
Site plan requirements	None.
Large site TDM suggestions	N/A
Other information	None.

COMMENTS FROM OTHER AGENCIES

BERNALILLO COUNTY

ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY

Reviewed, no comment

ALBUQUERQUE PUBLIC SCHOOLS

This will have no adverse impacts to the APS district.

MID-REGION COUNCIL OF GOVERNMENTS

MIDDLE RIO GRANDE CONSERVANCY DISTRICT

PUBLIC SERVICE COMPANY OF NEW MEXICO

1. As a condition, it is the applicant's obligation to determine if existing utility easements or rights-of-way are located on or adjacent to the property and to abide by any conditions or terms of those easements or agreements.
2. As a condition, it is necessary for the developer to contact PNM's New Service Delivery Department to coordinate electric service regarding this project. Any existing or proposed public utility easements are to be indicated on the site plan utility sheet prior to DRB review. PNM's standard for public utility easements for distribution is 10 feet in width to ensure adequate, safe clearances.
3. As a condition, coordination with PNM's New Service Delivery Department is necessary to minimize any potential effects from development on existing electric infrastructure which is located along the southern boundary of the site. PNM will review all technical needs, issues and safety clearances for its electric power systems. Any relocation, changes or realignment of existing electric utilities will be the developer's expense.
4. As a condition, it is necessary to coordinate with PNM's New Service Delivery Department with the applicant regarding proposed tree species, tree placement and height at maturity, sign location and height, and lighting height in order to ensure sufficient safety clearances and to avoid interference with the existing electric transmission and distribution facilities along the southern boundary of the site. PNM's standard is for trees to be planted outside the PNM easement.
5. There is an existing electric transmission line combined with a distribution line on the south side of the site. As a condition, PNM requires that the maximum total height of parking lot light poles within the electric transmission and distribution line easement does not exceed clearance requirements. The mature height of any trees below the lines is expected to meet the same clearance requirements. It is necessary for the developer to contact PNM's New Service Delivery Department to meet adequate clearances regarding this project.

6. Screening should be designed to allow for access to utility facilities. As a condition, it is necessary to provide adequate clearance of ten feet surrounding all ground-mounted utilities for safe operation, maintenance and repair purposes.
7. As a condition, building projections in existing and proposed public utility easements should be sited to comply with necessary clearances and to avoid conflicts with utility infrastructure. Projections such as these adjacent to overhead utilities should be carefully sited in order to avoid interference with utility facilities. Coordination with PNM is requested.